

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE: NATIONAL PRESCRIPTION OPIATE LITIGATION)	MDL 2804
)	
THIS DOCUMENT RELATES TO:)	Case No. 1:17-md-2804
)	
<i>Coushatta Tribe of Louisiana v.</i>)	Judge Dan Aaron Polster
<i>AmerisourceBergen Drug Corp., et al.</i>)	TRIBAL PLAINTIFFS' SHORT FORM
)	FOR SUPPLEMENTING COMPLAINT
<i>1:19-op-45438</i>)	AND AMENDING DEFENDANTS AND
)	JURY DEMAND

Plaintiff submits this supplemental pleading and Amended Complaint incorporating as if fully set forth herein its own prior pleadings and, if indicated below, the common factual allegations identified and the RICO causes of action included in *Muscogee (Creek) Nation's First Amended Complaint*, (Doc. 731, 1:17-md-02804) and *The Blackfeet Tribe of the Blackfeet Indian Reservation's Corrected First Amended Complaint* (Redacted), (Doc. 9, 18-op-45749), both as pleaded and as may be amended in the future (“Tribal Bellwether Plaintiffs’ pleadings”), and any additional claims asserted herein. Plaintiff also hereby amends its complaint to alter the defendants against which claims are asserted as identified below. To the extent defendants were previously sued in plaintiff(s)’ existing complaint and they are no longer identified as defendants herein, they have been dismissed without prejudice except as limited by CMO-1, Section 6(e). Doc. #: 232.

INCORPORATION BY REFERENCE OF EXISTING COMPLAINT

1. Plaintiff(s)’ Existing Complaint, *Coushatta Tribe of Louisiana v. AmerisourceBergen Drug Corporation, et al.* (Doc. #:1 1:19-op-45438) is expressly incorporated by reference to this Short Form as if fully set forth herein except to the extent that allegations regarding certain defendants that are not listed in section 2 below are dismissed without prejudice.

PARTIES – DEFENDANTS

2 Having reviewed the relevant ARCOS data, Plaintiff asserts claims against the following Defendants:

AMERISOURCEBERGEN DRUG CORPORATION; CARDINAL HEALTH, INC.; McKESSON CORPORATION; PURDUE PHARMA L.P.; PURDUE PHARMA, INC.; THE PURDUE FREDERICK COMPANY, INC.; TEVA PHARMACEUTICAL INDUSTRIES, LTD.; TEVA PHARMACEUTICALS USA, INC.; CEPHALON, INC.; JOHNSON & JOHNSON; JANSSEN PHARMACEUTICALS, INC.; ORTHO-MCNEIL-JANSSEN PHARMACEUTICALS, INC. n/k/a JANSSEN PHARMACEUTICALS, INC.; JANSSEN PHARMACEUTICA INC. n/k/a JANSSEN PHARMACEUTICALS, INC.; NORAMCO, INC.; ENDO HEALTH SOLUTIONS INC.; ENDO PHARMACEUTICALS, INC.; ALLERGAN PLC f/k/a ACTAVIS PLS; WATSON PHARMACEUTICALS, INC. n/k/a ACTAVIS, INC.; WATSON LABORATORIES, INC.; ACTAVIS LLC; ACTAVIS PHARMA, INC. f/k/a WATSON PHARMA, INC.; MALLINCKRODT PLC and MALLINCKRODT LLC, SPECGX LLC, INSYS THERAPEUTICS, INC., CVS PHARMACY, INC., CVS INDIANA, L.L.C., WALMART INC. f/k/a WAL-MART STORES, INC., WALGREEN CO., WALGREEN ARIZONA DRUG CO., MORRIS & DICKSON CO. LLC, and LOUISANA WHOLESALE DRUG CO., INC., AMNEAL PHARMACEUTICALS, LLC, SANDOZ, INC., SUN PHARMACEUTICAL INDUSTRIES, INC.

I, Anthony J. Majestro, Counsel for Plaintiff(s), certify that in identifying all Defendants, I have followed the procedure approved by the Court and reviewed the ARCOS data that I understand to be relevant to Plaintiff(s).

I further certify that, except as set forth below, each of the Defendant(s) newly added herein appears in the ARCOS data I reviewed.

I understand that for each newly added Defendant not appearing in the ARCOS data I must set forth below factual allegations sufficient to state a claim against any such newly named Defendant that does not appear in the ARCOS data.

The following newly added Defendant(s) *do not appear* in the ARCOS data I reviewed:

N/A

DATED: AUGUST 12, 2019

SIGNED: /S/ Anthony J. Majestro
Attorney for Plaintiff(s)

Factual Allegations Regarding Individual Defendants

2.1 Defendants **Amneal Pharmaceuticals, LLC** (“Amneal”) is a Delaware limited liability company with its principal place of business in Branchburg, New Jersey. Amneal manufactures, promotes, distributes and/or sells opioids nationally, including many Schedule II controlled substances such as Oxycodone and Hydrocodone. Amneal is registered to conduct business and/or conducts business in Plaintiff’s community as a licensed wholesale pharmaceutical distributor. Amneal distributed opioids, in violation of the duties owed to Plaintiff as set forth in Plaintiff’s original complaint and the other allegations incorporated herein, in sufficient quantities to be a proximate cause of Plaintiff’s injuries. Amneal is sued as a Marketing Defendant.

2.2 Defendant **Sandoz, Inc.,** (“Sandoz”) is a division of Novartis Pharmaceuticals Corporation (“Novartis”) is registered as a Delaware corporation with its principal place of business in East Hanover, New Jersey. Sandoz is a Colorado corporation with its principal place of business in Princeton, New Jersey. Sandoz principally develops, manufactures, markets, and distributes generic pharmaceutical products. Upon information and belief, at all times relevant. Sandoz manufactured, promoted, distributed and/or sold opioids nationally, and in Plaintiff’s Community in violation of the duties owed to Plaintiff and in sufficient quantities to proximately cause Plaintiff’s injuries as set forth herein.

2.3 Defendant **Sun Pharmaceutical Industries, Inc.** (“Sun Pharmaceutical”) is a Michigan corporation with a principal place of business in Cranbury, New Jersey. Sun Pharmaceutical is registered to conduct business and/or conducts business in Plaintiff’s community as a licensed wholesale pharmaceutical distributor. Sun Pharmaceutical distributed

opioids, in violation of the duties owed to Plaintiff as set forth in Plaintiff's original complaint and the other allegations incorporated herein, in sufficient quantities to be a proximate cause of Plaintiff's injuries. Sun Pharmaceutical is sued as a Marketing Defendant.

COMMON FACTUAL ALLEGATIONS

3. By checking the boxes in this section, Plaintiff hereby incorporates by reference to this document the common factual allegations set forth in the *Tribal Bellwether Plaintiffs' Pleadings* as identified in the Court's Order implementing the Tribal Plaintiff Short Form procedure. Doc. #1680.

Muscogee (Creek) Nation's First Amended Complaint, (Doc. 731, 1:17-md-02804):

- Common Factual Allegations (¶¶96-98)
- Common Factual Allegations - Marketing Manufacturers (¶¶99-156)
- Common Factual Allegations - Generic Marketing Manufacturers (¶¶157-161)
- Common Factual Allegations - Diversion Defendants (¶¶162-165)
- Common Factual Allegations - Diversion Defendants and Distributor Defendants (¶¶166-169, 200-211)
- Common Factual Allegations - Distributor Defendants (¶¶212-223, 230-236)
- Common Factual Allegations - Pharmacy Defendants (¶¶170-177, 237-262)
- Common Factual Allegations - Diversion Manufacturer Defendants (¶¶224-229)
- Common Factual Allegations - RICO Marketing Enterprise (¶¶295-328)
- Common Factual Allegations - RICO Supply Chain Enterprise (¶¶329-352)

The Blackfeet Tribe of the Blackfeet Indian Reservation's Corrected First Amended Complaint (Redacted), (Doc. 9, 18-op-45749):

- Common Factual Allegations (¶¶99-143, 480-585, 636-650, 721-735)
- Common Factual Allegations - Marketing Defendants (¶¶144-468, 701-720, 736-763)
- Common Factual Allegations - Distributor Defendants (¶¶469-473)
- Common Factual Allegations - Supply Chain Defendants (¶¶474-479)
- Common Factual Allegations - National Retail Pharmacy Defendants (¶¶586-635)
- Common Factual Allegations - RICO Marketing Enterprise (¶¶764-798)
- Common Factual Allegations - RICO Supply Chain Enterprise (¶¶799-827)

4. If additional claims are alleged below that were not pled in Plaintiff's Existing Complaint (other than the RICO claims asserted herein), the facts supporting those allegations

must be pleaded here. Plaintiff(s) assert(s) the following additional facts to support the claim(s) identified in Paragraph 6 below (below or attached):

N/A

CLAIMS

5. The following federal **RICO causes of action** asserted in the *Tribal Bellwether Plaintiffs' Pleadings* as identified in the Court's implementing order and any subsequent amendments, are incorporated in this Short Form by reference, in addition to the causes of action already asserted in the Plaintiff(s)'s Existing Complaint (check all that apply):

- First Claim for Relief – Violation of RICO, 18 U.S.C. § 1961 *et seq.* – Opioid Marketing Enterprise (Against the “Marketing Manufacturer Defendants”) (*Muscogee (Creek) Pleadings*, Paragraphs 353-379)
- First Claim for Relief – Violation of RICO, 18 U.S.C. § 1961 *et seq.* – Opioid Marketing Enterprise (Against Defendants Purdue, Cephalon, Janssen, Endo and Mallinckrodt (the “RICO Marketing Defendants”)) (*Blackfeet Pleadings*, Paragraphs 828-855)
- Second Claim for Relief – Violation of RICO, 18 U.S.C. § 1961 *et seq.* – Opioid Supply Chain Enterprise (Against All Defendants) (*Muscogee (Creek) Pleadings*, Paragraphs 380-408)
- Second Claim for Relief – Violation of RICO, 18 U.S.C. § 1961 *et seq.* – Opioid Supply Chain Enterprise (Against Defendants Purdue, Cephalon, Endo, Mallinckrodt, Actavis, McKesson, Cardinal, and AmerisourceBergen (the “RICO Supply Chain Defendants”)) (*Blackfeet Pleadings*, Paragraphs 856-887)

6. Plaintiff asserts the following **additional claims** as indicated (below or attached):

N/A

7. To the extent Plaintiff(s) wish(es) to **dismiss claims** previously asserted in Plaintiff(s) Existing Complaint, they are identified below and will be dismissed without prejudice.

N/A

WHEREFORE, Plaintiff(s) prays for relief as set forth in the *Tribal Bellwether* Pleadings in *In Re National Prescription Opiate Litigation* in the United States District Court for the Northern District of Ohio, MDL No. 2804 and in Plaintiff's Existing Complaint as has been amended herein.

Dated: August 12, 2019

/s/Anthony J. Majestro
Attorney for Plaintiff(s)
Anthony J. Majestro
J.C. Powell
James S. Nelson
Christina L. Smith
POWELL & MAJESTRO, PLLC
405 Capitol Street, Suite P-1200
Charleston, WV 25301
Tel.: 304-346-2889
Fax: 304-346-2895
amajestro@powellmajestro.com
jcpowell@powellmajestro.com
jnelson@powellmajestro.com
csmith@powellmajestro.com

/s/J. Burton LeBlanc, IV
Russell W. Budd
J. Burton LeBlanc, IV
Christine C. Mansour
BARON & BUDD, P.C.
3102 Oak Lawn Avenue, Suite 1100
Dallas, TX 75219
Tel.: 214-521-3605
Fax: 214-520-1181
rbudd@baronbudd.com
bleblanc@baronbudd.com
lbaughman@baronbudd.com
cmansour@baronbudd.com

/s/Peter J. Mougey _____

Peter J. Mougey
Troy Rafferty
Archie C. Lamb, Jr.
Page A. Poerschke
Laura S. Dunning
Jeffrey Gaddy
**LEVIN, PAPANTONIO, THOMAS,
MITCHELL, RAFFERTY &
PROCTOR, P.A.**
316 S. Baylen Street, Suite 600
Pensacola, FL 32502-5996
Tel.: 850-435-7068
Fax: 850-436-6068
pmougey@levinlaw.com
trafferty@levinlaw.com
alamb@levinlaw.com
ppoerschke@levinlaw.com
ldunning@levinlaw.com
jgaddy@levinlaw.com

/s/ Paul T. Farrell, Jr. _____

Paul T. Farrell, Jr.
M. Bert Ketchum, III
**Greene, Ketchum, Farrell,
Bailey & Tweel, LLP**
419 - 11th Street (25701)/ P.O. Box 2389
Huntington, West Virginia 25724-2389
Phone: 800.479.0053 or 304.525.9115
Fax: 304.529.3284
paul@greeneketchum.com
bert@greeneketchum.com

/s/James C. Peterson

R. Edison Hill (WVSB No. 1734)
James C. Peterson (WVSB No. 2880)
Harry C. Deitzler (WVSB No. 981)
Aaron L. Harrah (WVSB No. 9937)
Sandra B. Harrah (WVSB No. 7130)
Douglas A. Spencer (WVSB No. 9369)
**HILL, PETERSON, CARPER,
BEE & DEITZLER, PLLC**
NorthGate Business Park
500 Tracy Way
Charleston, WV 25311
Tel.: 304-345-5667
Fax: 304-345-1519
jcpeterson@hpcbd.com
rehill@hpcbd.com
HGDeitzler@hpcbd.com
aaron@hpcbd.com
sandra@hpcbd.com
doug@hpcbd.com

/s/Michael J. Fuller, Jr.

Michael J. Fuller, Jr.
Amy J. Quezon
**MCHUGH FULLER LAW GROUP,
PLLC**
97 Elias Whiddon Rd.
Hattiesburg, MS 39402
Tel.: 601-261-2220
Fax: 601-261-2481
mike@mchughfuller.com
amy@mchughfuller.com